



THE UNITED STATES PATENT AND TRADEMARK OFFICE

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SEP 18 2001

TECH CENTER 1600/290

In re application of:

Better *et al.*

Appl. No. 09/610,838

Filed: July 6, 2000

For: **Fusion Proteins And
Polynucleotides Encoding Gelonin
Sequences**

Confirmation No.

Art Unit: 1643

Examiner: Salimi, A.

Atty. Docket: 0610.099000A/MAC

Petition For Extension of Time Under 37 C.F.R. § 1.136(a)(1)

Commissioner for Patents
Washington, D.C. 20231

Sir:

It is hereby requested that the period for replying to the outstanding Office Action be extended three months from June 14, 2001 to September 14, 2001 by the filing of this Petition and fee payment.

The petition fee (37 C.F.R. § 1.17(a)) is believed to be \$445.00 for a 3-month extension for a small entity. Fee payment is provided in our accompanying Check No. 32550. However, if extensions of time under 37 C.F.R. § 1.136 other than those provided herewith are required to prevent abandonment of the present patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this Petition is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Michele A. Cimbala
Attorney for Applicants
Registration No. 33,851

09/17/2001 CNGUYEN 00000054 09610838

01 FC:217

445.00 0P

Date: Sept. 14, 2001
1100 New York Avenue, N.W.
Suite 600
Washington, D.C. 20005-3934
(202) 371-2600

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PATENT & TRADEMARK OFFICE

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FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

Complete if Known

Application Number	09/610,838
Filing Date	July 6, 2000
First Named Inventor	Marc D. BETTER
Examiner Name	Salimi, A.
Group Art Unit	1643
Attorney Docket No.	0610.099000A/MAC

TOTAL AMOUNT OF PAYMENT \$445.00

METHOD OF PAYMENT (check one)

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to:

Deposit Account Number 19-0036
Deposit Account Name Sterne, Kessler, Goldstein & Fox P.L.L.C.

- ☐ Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17

- ☐ Applicant claims small entity status See 37 CFR 1.27

2. ☒ Payment Enclosed:
☒ Check ☐ Credit card ☐ Money Order ☒ Other*
*Charge any deficiencies or credit any overpayments in the fees or fee calculations of Parts 1, 2 and 3 below to Deposit Account No. 19-0036.

FEE CALCULATION

1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

SUBTOTAL (1) (\$) _____

2. EXTRA CLAIM FEES

	Extra	Fee from below	Fee Paid
Total Claims _____ - 20** = _____	X		
Indep. Claims _____ - 3** = _____	X		
Multiple Dependent _____			

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim
108	80	209	40	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) _____

** or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	\$445.00
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	130	123	130	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	481	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify):

Other fee (specify):

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 445.00

Complete (if applicable)

SUBMITTED BY

Name (Print/Type)	Michele A. Cimbala	Registration No. (Attorney/Agent)	33,851	Telephone	202-371-2600
Signature	<i>Michele A. Cimbala</i>	Date	9/14/01		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.
SKGP Rev. 11/13/00 mnac

reply amend fee trans

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TIMOTHY M SPEER**
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*LIMITED TO MATTERS
AND PROCEEDINGS BEFORE
FEDERAL COURTS & AGENCIES
**REGISTERED PATENT AGENT
***SENIOR COUNSEL

September 14, 2001

WRITER'S DIRECT NUMBER:
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MCIMBALA@SKGF.COM

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TECH CENTER 1600/2900

Commissioner for Patents
Washington, D.C. 20231

Re: U.S. Utility Patent Application
Appl. No. 09/610,838; Filed: July 6, 2000
For: **Fusion Proteins And Polynucleotides Encoding Gelonin Sequences**
Inventors: Better *et al.*
Our Ref: 0610.099000A/MAC

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Fee Transmittal Form PTO (SB/17);
2. Petition for Extension of Time (*in duplicate*);
3. Amendment and Reply Under 37 C.F.R. § 1.111
4. Our check no. 32550 in the amount of \$445.00 to cover the Extension of time fee; and
5. Return Postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Respectfully submitted,

Frederick A. Corbridge

Michele A. Cimbala
Attorney for Applicants
Registration No. 33,851

Enclosures

P:\USERS\KMURRAY\attys\MAC\0610\099-a\reply amend pto